



PATENT
Customer No. 22,852
Attorney Docket No. 05725.1236-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Valerie DE LA POTERIE et al.) Group Art Unit: 1615
)
Application No.: 10/654,907) Examiner: J. VENKAT
)
Filed: September 5, 2003)
)
For: COSMETIC COMPOSITION) Confirmation No.: 6821
COMPRISING A TACKY WAX)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, U.S. patent publications, and co-pending applications are not enclosed as they are available in the Image File Wrapper. 01/12/2007 MAHME1 00000168 10654987 180.00 0P

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir.

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2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the cited co-pending application is material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the co-pending application on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **EP 0 998 905** - This document is believed to be related to U.S. Patent No. 6,464,967, which is cited on the attached PTO Form SB/08.
2. **EP 1 080 713** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
3. **FR 2 687 569** - This document is believed to be related to U.S. Patent No. 5,858,338, which is cited on the attached PTO Form SB/08.
4. **FR 2 773 063 A1** - This document is believed to be related to U.S. Patent No. 6,274,131 B1, which is cited on the attached PTO Form SB/08.
5. **JP-H06-9341** - This document is believed to be related to U.S. Patent No. 5,858,338, which is cited on the attached PTO Form SB/08.

6. **JP-H08-506342** - This document is believed to be related to U.S. Patent No. 5,356,627, which is cited on the attached PTO Form SB/08.
7. **JP-A-H09-132511** - This document is believed to be related to U.S. Patent No. 5,783,176, which was previously cited on June 29, 2005.
8. **JP-H11-255619** - This document is believed to be related to U.S. Patent No. 6,274,131 B1, which is cited on the attached PTO Form SB/08.
9. **JP-2001-64156** - This document is believed to be related to U.S. Patent No. 6,511,655 B1, which is cited on the attached PTO Form SB/08.
10. **JP 2003-095873** - This document is believed to be related to Japanese Unexamined Patent Application, JP H10-1175845, an abstract of which can be found in the English language Abstract of JP H10-175845 prepared by the JPO and submitted herewith.
11. **JP 2003-095875** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
12. **French Search Report for FR 02 11104**: This is the French Search Report for FR 02 11104, which is the priority application for co-pending Application No. 10/654,887 (Attorney Docket No. 05725.1237).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law,

Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

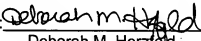
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.


If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 11, 2007

By: 
Deborah M. Herzfeld
Reg. No. 52,211

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known	
<div style="text-align: center;">  <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p> </div>				Application Number	10/654,907
				Filing Date	September 5, 2003
				First Named Inventor	Valerie DE LA POTERIE
				Art Unit	1615
				Examiner Name	J. VENKAT
Sheet	1	of	2	Attorney Docket Number	05725.1236-00

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US-5,356,627	10-18-1994	Da Cunha et al.	
	2	US-5,858,338	01-12-1999	Piot et al.	
	3	US-5,925,337	07-20-1999	Arnaudeau et al.	
	4	US-6,274,131	08-14-2001	Piot et al.	
	5	US-6,464,967	10/15/2002	Collin	
	6	US-6,511,655	01-28-2003	Müller et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	7	EP 0 998 905 B1	05-10-2000	L'ORÉAL	US Counterpart
	8	EP 1 080 713 A2	03-07-2001	BEIERSDORF AG	Abstract
	9	FR 2 687 969	08-27-1993	L'ORÉAL	US Counterpart
	10	FR 2 773 063	07-02-1999	L'ORÉAL	US Counterpart
	11	JP H06-9341	01-18-1994	L'ORÉAL	Abstract
	12	JP H08-506342	07-09-1994	ESTEE LAUDER, INC.	US Counterpart
	13	JP H09-132511	05-20-1997	L'ORÉAL	Abstract
	14	JP H11-255619	09-21-1999	L'ORÉAL	US Counterpart
	15	JP 2001-64466	03-13-2001	BEIERSDORF AG	US Counterpart
	16	JP 2003-95873	04-03-2003	POLA CHEM IND INC	Abstract
	17	JP 2003-95875	04-03-2003	KANEBO LTD (KANE)	Abstract
	18	WO 94/17775	08-18-1994	ESTEE LAUDER, INC.	

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	19	Co-pending Application No. 10/654,887, filed September 5, 2003, (Attorney Docket No. 05725.1237).		
	20	French Search Report for FR 0211104 (French priority application for co-pending Application No. 10/654,887), dated April 28, 2003, Examiner Simon.		
	21	English language Derwent Abstract for EP 1 080 713 A2.		
	22	English language Derwent Abstract for JP H06-9341.		
	23	English language Derwent Abstract for JP H09-132511.		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH.	Signature	02/17/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTÖ/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				<i>Application Number</i>	10/654,907
				<i>Filing Date</i>	September 5, 2003
				<i>First Named Inventor</i>	Valerie DE LA POTERIE
				<i>Art Unit</i>	1615
				<i>Examiner Name</i>	J. VENKAT
Sheet	2	of	2	<i>Attorney Docket Number</i>	05725.1236-00

NON PATENT LITERATURE DOCUMENTS			
	24	English language Derwent Abstract for JP 2003-95873.	
	25	English language Derwent Abstract of JP 2003-95875.	
Examiner Signature	ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. J.V./		02/17/2008

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.